

GAUTENG CYCLING ASSOCIATION CONSTITUTION



CONTENTS

CHAPTER 1 – INTRODUCTION	1
CLAUSE 1: NAME AND CORPORATE IDENTITY	1
CLAUSE 2: DEFINITIONS AND ABBREVIATIONS	1
CLAUSE 3: INTERPRETATIONS	4
CLAUSE 4: HEAD OFFICE	4
CLAUSE 5: JURISDICTION OF THE PROVINCE	4
CHAPTER 2: OBJECTIVES OF GAUTENG CYCLING	5
CLAUSE 6: OBJECTIVES	5
CLAUSE 7: POWERS TO CARRY OUT THE OBJECTIVES	6
CHAPTER 3: FINANCE	8
CLAUSE 8: FINANCIAL DETAIL	8
CHAPTER 4: MEMBERSHIP	10
CLAUSE 9: MEMBERSHIP	10
CLAUSE 10: TERMINATION OF MEMBERSHIP	12
CHAPTER 5: STRUCTURE OF GAUTENG CYCLING	13
CLAUSE 11: STRUCTURE	13
CLAUSE 12: DUTIES OF OFFICE BEARERS	15
CHAPTER 6: VOTING	21
CLAUSE 13: VOTING RIGHTS	21
CLAUSE 14: ELECTION OF THE PRESIDENT, VICE-PRESIDENT, TREASURER AND OTHER MEMBERS OF THE EXECUTIVE COMMITTEE	22
CHAPTER 7: GENERAL MEETINGS	24
CLAUSE 15: ANNUAL GENERAL MEETING (AGM)	24
CLAUSE 16: SPECIAL GENERAL MEETINGS (SGM)	25
ARTICLE 17: GENERAL PROVISIONS RELATED TO AGM & SGM'S	25
CHAPTER 8: LEGALITIES AND DISCIPLINARY ASPECTS	27
CLAUSE 18: LIMITATION OF LIABILITIES OF MEMBERS AND INDEMNITY	27
CLAUSE 19: ENFORCEMENT, ALTERATIONS OR VARIATIONS TO THE CONSTITUTION	27
CLAUSE 20: NOTIFICATION	27
CLAUSE 21: ARBITRATION	28
CLAUSE 22: DISSOLUTION OR WINDING UP OF THE PROVINCE	28
CLAUSE 23: DISCIPLINARY CODE AND –PROCEDURES AND THE APPEAL BOARD AND -PROCESS	28
CHAPTER 9: APPROVAL	33
ARTICLE 24: APPROVAL OF THE CONSTITUTION	33
SCHEDULE ONE	34

NON-RACIALISM	34
SCHEDULE 2	36
APPLICATION OF THE PROVISIONS OF SECTION 30(1) OF THE INCOME TAX ACT, 1962.....	36
APPENDIX A	38
PROVINCIAL COLOURS CRITERIA	38
APPENDIX B	39
DISTRICT COLOURS CRITERIA	39
APPENDIX C.....	40
ORGANISATIONAL CHART OF GAUTENG CYCLING COUNCIL.....	40

CHAPTER 1 – INTRODUCTION

CLAUSE 1: NAME AND CORPORATE IDENTITY

- 1.1 The name of the Association shall be Gauteng Cycling Association, hereafter referred to as GAUTENG CYCLING.
- 1.2 The Province is a unified association representing all cycling disciplines as defined by Cycling South Africa (Cycling SA) which will include, but not be limited to Road Cycling, Track Cycling, Para Cycling, Mountain Biking, Schools Cycling MTB, Gravel, E-Sport and Bicycle Moto-Cross on a competitive as well as a recreational level, in the Province.
- 1.3 The Province shall be a distinct and separate legal entity and body corporate and have an identity and existence distinct from its members or office-bearers with perpetual succession, meaning that it shall continue to exist notwithstanding changes in the composition of its membership or office-bearers, and shall be affiliated to Cycling SA and be liable to an affiliation fee as determined by Cycling SA. The Gauteng Cycling shall be an association not for profit or gain and will be registered as a Public Benefit Organisation (PBO) and Non-Profit Organisation (NPO).
- 1.4 The income and property of Gauteng Cycling shall be applied solely towards the promotion of the Association and Cycling as set out in the Constitution. The organisation may not give any of its income or property to its members or office bearers. No activity of Gauteng Cycling will directly or indirectly promote the economic self-interest of any fiduciary or employee of Gauteng Cycling. No remuneration will be paid to any employee, office bearer, member or person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered. Members or office bearers of Gauteng Cycling do not have rights in the property or other assets of the organisation solely by virtue of their being members or office-bearers.

CLAUSE 2: DEFINITIONS AND ABBREVIATIONS

- 2.1 **Gauteng Cycling** shall be a body as constituted below for the area as described under “Jurisdiction of the Gauteng Province” in this Constitution.
- 2.2 **“National Body”** shall mean the unified elected National Federations of Cycling for the Republic of South Africa known as Cycling South Africa.
- 2.3 **“UCI”** shall mean “Union Cycliste Internationale”.
- 2.4 **“Rules and Regulations”** shall mean the Rules and Regulations of Gauteng Cycling, those of Cycling South Africa, Provincial Sport Confederation, the Department of Sport and Recreation, the South African Sport Confederation and Olympic Committee and of the UCI.
- 2.5 **“Act of Parliament”** refers to the National Sport and Recreation Act, (Act No 110 of 1998) and the National Sport and Recreation Amendment Act (Act No 18 of 2007), also referred to as “The Act”.

- 2.6 "AGM" means the Annual General Meeting of Members held in accordance with the provisions of this Constitution.
- 2.7 "Appeal Board" means a body of appeal, appointed by the Gauteng Cycling EXCO in terms of this Constitution.
- 2.8 "Associated Members" means all those associations or organisations having the same or similar objects to Gauteng Cycling and having their Office within the area of jurisdiction of Gauteng Cycling, which bodies have made application and have been accepted as Associate Members of Gauteng Cycling in terms of the provisions of this Constitution.
- 2.9 "Annual Financial Statements" means the annual audited balance sheet, income and expenditure account, Treasurer's report and Financial Official's report.
- 2.10 "BMX" means Bicycle Moto-Cross and refers to, but is not limited to, two specialties named BMX Super Cross which forms part of the Olympic Program and BMX Freestyle.
- 2.11 "CAC" means the Confederation of African Cycling.
- 2.12 "Club" means any Cycling club which caters for any discipline of Cycling as contained in this Constitution.
- 2.13 "Compliance" means that the member club, Province or individual has fulfilled the necessary provisions of this Constitution in regard to specific requirements as contained herein, and as such is regarded as being in good standing with Cycling South Africa.
- 2.14 "Constitution" means this Constitution.
- 2.15 "Cycling" means the sport of Cycling and includes the disciplines referred to in this Constitution and as defined by the International Cycling Union (UCI).
- 2.16 "Cycling SA" means the body recognised by SASCOC as the organisation responsible for cycling in the Republic of South Africa, and as referred to in this Constitution, and incorporates all rights that may have existed or exist in the entity formerly known as the South African Cycling Federation.
- 2.17 "Commissions" mean those disciplines as referred to in this Constitution.
- 2.18 "Day" means a calendar day, and a "Working day" means a calendar day excluding Saturdays, Sundays and Public Holidays.
- 2.19 "Event" means a cycling event held under the auspices of Cycling South Africa.
- 2.20 "Event Organiser" means a person duly authorised to manage an event on behalf of Cycling South Africa either directly or indirectly through its members.
- 2.21 "EXCO" means the Executive Committee of Gauteng Cycling, as constituted in terms of this Constitution.
- 2.22 "Financial Committee" means the Finance Committee who shall be responsible for the Financial Rules and Regulations and adhere to the implementation.
- 2.23 "Financial Official" means the Accountant/Auditors appointed at the Annual General Meeting to audit and review the financial statements.
- 2.24 "Head of Commissions" means the person elected to chair a specific discipline (Commission) as defined in this Constitution.

- 2.25 "High Performance Athlete" refers to a cyclist chosen to represent the sport of Cycling at any level, whether it be provincial, national or international.
- 2.26 "High Performance Committee" refers to those people appointed to manage any high Performance Athlete, or programme under the auspices of Gauteng Cycling.
- 2.27 "Honorary Members" means all those persons bestowed with this honour by the Gauteng Cycling Council, and shall include any persons to whom this honour was bestowed prior to the acceptance of this Constitution.
- 2.28 "Levies" means the monies levied and due by the membership to Gauteng Cycling and as approved and agreed to by membership at each Annual General Meeting of Gauteng Cycling.
- 2.29 "Member" shall mean an Ordinary Member, an Honorary Member or an Associate Member.
- 2.30 "MANCO" means the Management Committee of Gauteng Cycling, as constituted in terms of this Constitution.
- 2.31 "Month" means a calendar month.
- 2.32 "MTB" is the discipline known as Mountain Biking and includes, but is not limited to Cross-Country Olympic, Cross-Country short Track, Cross-Country Marathon, Downhill, , Enduro Schools Cycling Mountain Biking, Pump Track and Gravel.
- 2.33 "National Sport Federation" means the national governing body of the Sport in membership of SASCOC, and recognised by the Department of Sport, Art and Culture (DSAC) in the Republic of South Africa.
- 2.34 "Ordinary Members, otherwise referred to as Districts" means those members duly accepted as members in terms of the geopolitical demarcations as set out in this Constitution.
- 2.35 "Organisers" shall mean those persons who have been duly authorised by Gauteng Cycling directly or through their provincial membership to stage a cycling event inclusive of the hosting, managing, organising, planning, and supervision of such an event.
- 2.36 "Para Cycling" means a form of cycling which is limited solely to handicapped Categories.
- 2.37 "Person" means a natural or legal person.
- 2.38 "President" means the President of Gauteng Cycling, duly elected in terms of this Constitution.
- 2.39 "Provincial Commission Heads" means those persons appointed to head the various commissions in the various cycling disciplines of the Ordinary Members in their defined geopolitical Province as defined in this Constitution.
- 2.40 "Recreational Cycling" shall mean any form of social riding in any discipline referred to in this Constitution whether same is in the form of mass or individual participation in the Sport, and may include but not be limited to events where a rider will compete against a specific time, or over a specific distance, whether same be for leisure purposes, or not.
- 2.41 "Road Cycling" shall mean cycling on a public or private road (surface) and shall not be limited to the two sub categories, namely Road Race and Time Trial.
- 2.42 "Rules & Regulations" means the rules and regulations of Cycling South Africa and Gauteng Cycling.

- 2.43 "SAIDS" means the South African Institute for Drug-Free Sport.
- 2.44 "SASCOC" means the South African Sport Confederation and Olympic Committee duly recognized and approved by the Department of Sport, Arts and Culture as the governing body of Sport in the Republic of South Africa.
- 2.45 "Special General Meeting" means a meeting convened in terms of this Constitution.
- 2.46 "Track Cycling" means a specific form of cycling which takes place in a specified venue, but not limited solely to track, sprinting, and endurance and combination events.
- 2.47 "Treasurer" means the person elected in terms of the provisions of this Constitution.
- 2.48 "Vice-President" means the Vice-President of Gauteng Cycling as defined in this Constitution.
- 2.49 "WADA" means the World Anti-Doping Agency.
- 2.50 "GPSC" means Gauteng Provincial Sport Confederation.
- 2.51 "Year" means a calendar year.
- 2.52 Any words implying one gender include the other.

CLAUSE 3: INTERPRETATIONS

- 3.1 The headings to the clauses or paragraphs of this Constitution are for descriptive purposes only and shall not be used in the interpretation hereof.
- 3.2 In this constitution, unless inconsistent with the context, all words and expressions imparting the masculine shall include the feminine gender, and those signifying the singular shall include the plural and vice versa.
- 3.3 In the case of interpretations not specific, the constitution of Cycling SA will be the overriding constitution.

CLAUSE 4: HEAD OFFICE

- 4.1 The Head Office of Gauteng Cycling shall be the address of the President of the Province, or such other address as may be determined by the Executive Committee (EXCO).

CLAUSE 5: JURISDICTION OF THE PROVINCE

The geographical area of jurisdiction of Gauteng Cycling shall include the Gauteng Province, as well as any additional areas outside the province that fall within the jurisdiction of its affiliated members

CHAPTER 2: OBJECTIVES OF GAUTENG CYCLING

CLAUSE 6: OBJECTIVES

Gauteng Cycling shall be a PBO (Public Benefit Organisation) as defined in the Income Tax Act (See Schedule Two) and be used exclusively in the furtherance of Gauteng Cycling's objectives as contemplated in this clause, through which Gauteng Cycling shall strive:

- 6.1 To be and to function as the controlling and administrative body for the sport of Cycling within the area of jurisdiction in accordance with sound business principles.
- 6.2 To encourage, promote, develop and administer the sport of cycling within the area of jurisdiction in accordance with sound administrative principles.
- 6.3 To encourage, promote, develop and administer the sport of cycling within the area of jurisdiction in accordance with sound financial principles.
- 6.4 To encourage, organise and promote the development of high performance sport as well as sport for all in all forms of cycling including but not limited to:
 - 6.4.1 Bicycle Moto-Cross cycling including BMX Super-Cross and BMX Freestyle;
 - 6.4.2 Competitive and Recreational Off-road Cycling including Cross-Country Olympic, Cross-Country short Track, Cross-Country Marathon, Downhill, , Enduro Schools Cycling Mountain Biking, Pump Track and Gravel;
 - 6.4.3 Para Cycling which is limited solely to handicapped categories including bicycles, tricycles, handcycles and tandems;
 - 6.4.4 Competitive and Recreational Road Cycling and Time Trialling;
 - 6.4.5 Track Cycling;
 - 6.4.6 E-Sport – via Zwift or other online platforms
- 6.5 All disciplines may present an annual championship.
- 6.6 All disciplines may select teams.
- 6.7 To promote the sport of cycling within the area of jurisdiction with effective media releases and assistance to affiliated districts/organisations for the successful promotion of cycling.
- 6.8 To encourage, promote, develop and administer the sport of cycling within the area of jurisdiction to nurture a spirit of friendly, rivalry in competitions, to ensure safe cycling and satisfied cyclist.
- 6.9 To encourage, promote, develop and administer the sport of cycling at Youth/School level within the area of jurisdiction to ensure effective youth cycling.
- 6.10 To encourage, promote, develop and administer the sport of cycling within the area of jurisdiction to enforce the rules of Cycling as prescribed by the UCI and Cycling SA to encourage and promotes the highest standard of sporting behaviour.

- 6.11 To encourage, promote, develop and administer the sport of cycling within the area of jurisdiction to ensure diversity with transformation and development.
- 6.12 To ensure that the encouragement, promotion, development and administration of the sport of cycling, whether at Provincial, District or Local Level is done in accordance with the principles of non-racialism by which is meant that race, ethnicity and nationality shall not be a basis for discriminating against or of affording privileges to any person or group of persons, which principles are more fully set out in Schedule One hereto.
- 6.13 To ensure that the encouragement, promotion, development and administration of the sport of Cycling, whether at Provincial, District or Local Level is fairly carried out so that gender, religion or creed or disability shall not be a basis for discrimination against or of affording privileges to any person or group of persons.
- 6.14 To hold membership in Cycling South Africa and/or any other national or provincial sporting or related bodies, as determined by the Council on the recommendation of EXCO, for the purpose of representing cycling. To uphold and enforce any Code of Conduct and Code of Ethics pertaining to the sport of Cycling approved by Cycling SA and/or any other code of conduct decided upon to ensure discipline are maintained by the members and disputes are resolved within the province and districts.
- 6.15 To recognise and accept the jurisdiction, rules and regulations of the South African Institute for Drug-free Sport (SAIDS) as well as the Code of the World Anti-Doping Agency (WADA).
- 6.16 To ensure that staff, volunteers, operations and programmes do not cause harm to children or vulnerable adults, nor expose them to harassment, abuse, or exploitation by ensuring that athletes and others taking part in cycling can do so without fear of harassment or abuse according to the Safeguarding policy.

CLAUSE 7: POWERS TO CARRY OUT THE OBJECTIVES

- 7.1. Gauteng Cycling shall have all such powers and authorities as shall be necessary or desirable or conducive to achieving any and all of the objectives of Gauteng Cycling. These powers and authorities shall be exercised by the Council and/or EXCO and/or by any duly constituted subcommittee in accordance with and subject to the provisions of this Constitution.
- 7.2. To acquire by purchase, exchange, hire, sub-lease, donation or otherwise movable and/or immovable property of any kind. The EXCO in their capacity as such shall be trustee of and for all intents and purposes legal holders of all moneys, trophies, cups and other property of Gauteng Cycling will be able to own property and other possessions.
- 7.3. To sell, let, mortgage, dispose of, give in exchange, turn to account or otherwise deal with all or any part of the property of Gauteng Cycling.
- 7.4. To enter into contracts of any nature as may be necessary to implement, advance, or safeguard the objectives of Gauteng Cycling
- 7.5. To invest the funds of Gauteng Cycling, from time to time and in accordance with sound business and financial principles, in such property, assets, or securities as may be deemed appropriate.

- 7.6. To employ, suspend or dismiss and remunerate employees, professional assistants and experts.
- 7.7. To support or subscribe or make donations to any charities or other institutions, districts, clubs, societies and funds.
- 7.8. To regulate relations between its Members, and between its Members and Gauteng Cycling or its members or clubs and individual cyclists.
- 7.9. To procure and maintain insurance coverage against losses, damage, risks, and liabilities of any kind.
- 7.10. To draw, make, accept, endorse, execute, negotiate and do payments, issue promissory notes, bills of exchange, warrants and other negotiable or transferable instruments.
- 7.11. To institute, conduct, defend, settle, or abandon any legal proceedings by or against Gauteng Cycling, its officers, or its Members, in connection with its affairs. To negotiate, compromise, or grant extensions for the payment or settlement of any debts, claims, or demands made by or against Gauteng Cycling. Gauteng Cycling shall have the capacity to sue and be sued in its own name.
- 7.12. To raise funds by means of subscriptions, levies, or any other method from its Members, Cyclists, districts, clubs, associations, or organizations involved in the sport of cycling, or from any other source. To recover, through legal process if necessary, any monies owed by Members, former Members, Cyclists, districts, clubs, associations, or organizations.
- 7.13. To spend or otherwise apply monies to the advancement and/or development of Gauteng Cycling or its members, or individual Cyclists.
- 7.14. . To contribute to or subscribe to bodies whose objectives align with those of Gauteng Cycling, and to invest funds in such securities and in such manner as may be determined from time to time.
- 7.15. To make and pass rules, by-laws or regulations and to add to, repeal or alter such rules, by-laws or regulations, with or without penalties for the carrying out, administration and implementation of this Constitution and the attainment of the objectives of Gauteng Cycling.
- 7.16. To impose fines, to suspend for a period of time, to ban and/or implement any other disciplinary measures on its members or former members or on any cyclist or district or club or association or organisation connected or concerned with cycling arising out of or connected with any contravention or breach of the provisions of this Constitution or any rule, by-law or regulation passed by EXCO, including those of SAIDS, SASOC and World Anti-Doping Code and recover by legal action or otherwise such fines or compulsory contributions or damages from its Members or former Members. Without in any way limiting the generality of the aforementioned, Gauteng Cycling shall have the power to suspend or ban any Cyclist, Member or club from participating in any event or championship.
- 7.17. To take all such action as may be required or necessary to enforce fully and effectively all obligations of whatsoever nature and howsoever arising which may be owed to Gauteng Cycling by its Members, former Members or any other persons or body.

CHAPTER 3: FINANCE

CLAUSE 8: FINANCIAL DETAIL

- 8.1. Financial Year. Gauteng Cycling's financial year shall be from 1 April to 31 March of each year.
- 8.2. Banking Account. Banking Account(s) shall be opened in the name of Gauteng Cycling. An account for Gauteng Cycling and an account for Gauteng Cycling (National Lotteries Commission requires a separate account for lotto money as per NLC regulations). Gauteng Cycling shall designate at least three (3) council members with approval powers on the Gauteng Cycling's banking accounts. Two (2) authorised persons must sign/approve together. No cheque, Electronic Funds Transfer (EFT) or promissory note drawn on behalf of Gauteng Cycling shall be valid unless approved by any two (2) of either the President, the Vice-President, the Treasurer, the Secretary or any other council member of Gauteng Cycling who has been authorised by the EXCO to have signing powers.
- 8.3. Financial Management. The EXCO shall be responsible for the financial position of the Province. This would include but is not limited to:
 - 8.3.1. Ensuring internal controls and separation of duties are in place and being implemented
 - 8.3.2. Oversight of financial state management including actual income and expenses versus approved budget
 - 8.3.3. Implementation of annual Financial Statement reviews including independence of appointed reviewers
 - 8.3.4. Setting of accounting policy
- 8.4. Budget Plans. EXCO shall prepare the annual budget and present it after the AGM for approval. Such budget plans shall take in consideration the financial aspects and plans of all the structures of the Provinces.
- 8.5. Audits. Financial Officials, registered and with current membership at a South African Accountant Body and qualified as an Independent Reviewer, will be appointed at the AGM for the next year. Financial reviews shall be presented quarterly at the Executive Meetings, and Audited Financial Statements yearly at the AGM, to ensure effective financial management and good governance.
- 8.6. Funding. Gauteng Cycling shall receive money from its members including but not limited to membership fees, affiliation fees, calendar fees, rider levies and day membership. Gauteng Cycling shall also apply for grants and sponsorships to fund its objectives.
 - 8.6.1. Provincial Affiliation Fees (Membership). Provincial cyclist shall register at a Club that is part of Gauteng Cycling Districts for their Cycling SA membership and pay an additional amount, that will be determined by the Gauteng Cycling EXCO from time to time, as part of their online registration as member of Cycling SA. These fees will be divided between the province and the districts as determined by the EXCO.
 - 8.6.2. Affiliation Fees. Ordinary and Associated Members shall pay affiliation fees, as determined by the Gauteng Cycling EXCO from time to time, yearly before the AGM.
 - 8.6.3. Calendar Fees. Each Discipline Commission shall coordinate the following year's calendar by 31 October annually with the respective Event Organisers. Once the dates have been approved, the events shall be published on the CSA website. The provincial portion of the calendar fees shall be

payable to the respective Discipline Commission. A portion thereof can be divided with the province and/or districts as determined by the Gauteng EXCO from time to time. **TBA**

- 8.6.4. Rider Levies. An additional source of income for the Discipline Commissions shall be the per-rider, per-event, Day Levy payable by the event organisers. Event Organisers shall ensure effective administration at events to accurately record entries. The rider levies shall be payable to the respective Discipline Commission within sixty (60 days) after the event. A portion thereof can be divided with the province and/or districts as determined by the Gauteng EXCO from time to time. **TBA**
- 8.6.5. Day Licence. The Ordinary and Associated Members, Organisers and/or Gauteng Cycling are responsible to collect licence fees for events in their area. Day licence fee per rider per event-day taken from non-Cycling SA members competing in sanctioned events shall be paid over from the Districts. The Districts need to ensure that effective administration takes place at the Events to ensure that the non-Cycling SA members pay for day licences. Members shall pay over day licence fees, as determined by Cycling SA and the Gauteng Cycling EXCO from time to time, within sixty (60) days after the event to Gauteng Cycling.
- 8.6.6. Gauteng Cycling Championships. Gauteng Cycling Championships shall be presented annually. Each Championship must be financially self-sustaining, with all expenses covered within the approved Gauteng Cycling budget. Discipline Commissioners shall be responsible for securing sponsorships for the Gauteng Cycling Championships. Championship expenses shall be funded collectively by Gauteng Cycling, the presenting District, and the relevant Discipline Commission, through the approved budget, entry fee income, and sponsorship contributions. Any financial surplus or deficit arising from the Championship shall be shared among the contributing parties, in accordance with a distribution framework determined by Gauteng Cycling EXCO.
- 8.7. Expenses. All monies received shall be applied to the carrying out of the objectives of Gauteng Cycling.
- 8.7.1. Affiliation. Gauteng Cycling will affiliate to Cycling SA and other bodies as determined by the EXCO.
- 8.7.2. Stay and Travel Expenses. Council Members will be refunded for Cycling SA-; Commission- and/or Indaba meetings, EXCO and Gauteng Cycling meetings for stay and travel expenses such as fuel, air tickets, car hire, accommodation and meals. Tariffs for fuel, accommodation and meals will be determined by the EXCO from time to time. Payment will only take place if vehicles are used effectively, subject to availability of funds and approval from EXCO
- 8.7.3. Allowances. Representatives attending meetings and activities on behalf of the Provincial EXCO can receive a daily allowance, as determined by EXCO from time to time, instead of real expenses. EXCO members can receive an honorarium for managing their portfolio, as determined by EXCO from time to time, subject to availability of funds and approval from EXCO
- 8.7.4. Rider Support. Gauteng Cycling shall support high performance and development riders and teams for participation in events from time-to-time, subject to availability of funds and approval from EXCO.
- 8.7.5. Operational Cost. Operations and administration expenses will be applied to reach the objectives of Gauteng Cycling.
- 8.8. Secretarial service and fees. EXCO may, at its discretion, approve the payment of a fee to the appointed Secretary in recognition of services rendered. The Secretary shall be formally appointed by EXCO through

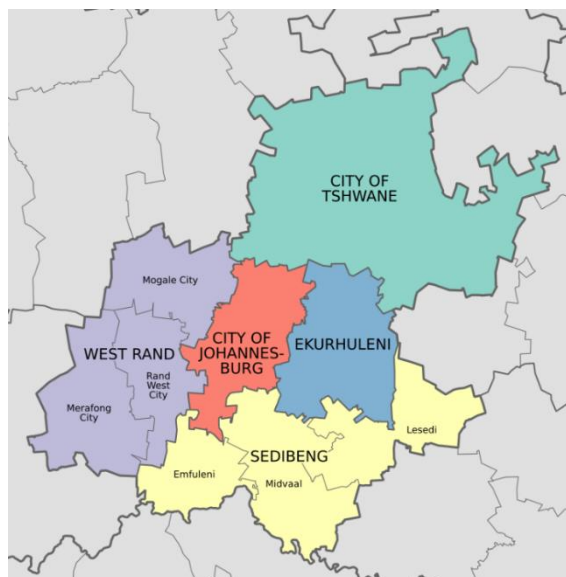
a letter of appointment, which shall outline the scope of duties, responsibilities, and any applicable terms and conditions.

- 8.9. Road and Track Officials Banking Account. Funds allocated to Road and Track Officials are paid through the Gauteng Technical bank account. Payments received from event organisers shall be disbursed in accordance with valid invoices submitted by the appointed official. EXCO shall retain oversight and responsibility in terms of Section 8.3 of this Constitution. The Technical Commission shall submit quarterly financial statements, together with all supporting invoices, to the Gauteng Cycling Bookkeeper. The Bookkeeper shall incorporate the Commission's financial records into the consolidated Gauteng Cycling Financial Statements under a distinct heading.
- 8.10. Commissions Banking Accounts. Should any Commission of Gauteng Cycling elect to open a separate bank account, EXCO shall retain oversight and responsibility in terms of Section 8.3 of this Constitution. Each Commission shall submit quarterly financial statements, together with all supporting invoices, to the Gauteng Cycling Bookkeeper. The Bookkeeper shall incorporate the Commission's financial records into the consolidated Gauteng Cycling Financial Statements under a distinct heading.
- 8.11. Districts Financials. The districts must submit annual financial statements to Gauteng Cycling, within 30 days of their Annual AGM.

CHAPTER 4: MEMBERSHIP

CLAUSE 9: MEMBERSHIP

- 9.1. Ordinary Membership to Gauteng Cycling consists of the five (5) Districts of the Gauteng Province being groups of cyclists who have formed clubs and who have agreed to be bound by the Gauteng Cycling Constitution and any rules and regulations made hereunder, and provided that such district has been accepted by Gauteng Cycling, with districts defined and represented by:
 - 9.1.1. City of Ekurhuleni. The Metropolitan covers an extensive area from Germiston in the west to Springs and Nigel in the east. The Cycling District is known as Eastern Gauteng Cycling.
 - 9.1.2. City of Johannesburg. The Metropolitan consists out of the City of Johannesburg. The Cycling District is known as Central Gauteng Cycling.
 - 9.1.3. City of Tshwane. The Metropolitan consists out of the City of Pretoria and towns around. The Cycling District is known as Gauteng North Cycling.
 - 9.1.4. Sedibeng. The District consists out of the following local municipalities, namely Emfuleni, Lesedi and Midvaal. The Cycling District is known as Southern Gauteng Cycling.
 - 9.1.5. West Rand. The District consists out of the following local municipalities, namely Merafong City, Mogale City and Rand West City. The Cycling District is known as West Rand Cycling.



- 9.2. All applications for Ordinary Membership shall be in writing to the Gauteng Cycling Secretary and shall be accompanied by the prescribed affiliation fee and a constitution having as one of its objectives the fostering of cycling and a willingness to comply with the constitution, rules, regulations and by-laws of Gauteng Cycling and CSA. Applications can be considered at any Gauteng Cycling meeting. The Gauteng Cycling reserves the right to accept or reject such application, but acceptance shall not be unreasonably withheld.
- 9.3. Any other class of Gauteng Cycling membership, be it temporary or permanent, as may be determined from time to time by the EXCO. A set of criteria should be drawn up by the EXCO for accepting members.
- 9.4. Any association or organisation which wishes to become an Associated Member of Gauteng Cycling shall apply in writing to the EXCO to be admitted as such and shall furnish a copy of its constitution/document, having as one of its objectives the fostering of cycling, and all such information as EXCO may require to decide upon its application.
- 9.5. EXCO may in its discretion admit any such association or organisation as an Associated Member upon such terms and conditions including terms and conditions as to the payment of subscriptions as the EXCO may consider fit.
- 9.6. Any decision by EXCO in respect of an application for Associated Membership shall be referred to the General Meeting of the Council for ratification and shall not be binding until so ratified.
- 9.7. Affiliated Districts shall forward a copy of the Minutes of their AGM, and a copy of their Financial Statements as soon as possible after their Annual AGM but not later than thirty (30) days after such meeting.
- 9.8. EXCO and members of Council shall, from time to time, nominate any person who has rendered notable and meritorious service to Gauteng Cycling and/or in the promotion of the sport of cycling and whom it wishes to recognise and honour as an Honorary member. Nominations shall be presented to the Council for ratification at the next AGM and, if ratified by the Council, such person shall become an Honorary member and shall enjoy the rights and privileges namely to attend the AGM, to receive advance notice and to make preferential bookings in respect of any event or championship held under the auspices of Gauteng Cycling.

CLAUSE 10: TERMINATION OF MEMBERSHIP

- 10.1. The EXCO's decision to terminate any membership, whether an Ordinary, Associated or Honorary, shall be referred to the next meeting of the Council for ratification.
- 10.2. Any Member which ceases to operate a viable structure shall ipso facto be suspended from membership and the Council shall decide at its next ordinary meeting whether the membership of such member should be terminated.
- 10.3. Any Cycling District/Associated member affiliated to Gauteng Cycling whose affiliation fees are not paid on the due date shall automatically be suspended. After suspension the Council may call for an inquiry to be held into the affairs of such defaulting district/member and may take such action as considered necessary.
- 10.4. Any member, regardless of classification, may tender their resignation in writing, from Gauteng Cycling at any time. A resigning member remains liable for all monies due to Gauteng Cycling as at the date of resignation.

CHAPTER 5: STRUCTURE OF GAUTENG CYCLING

CLAUSE 11: STRUCTURE

- 11.1. The Organisational Chart is attached as Appendix C to the Constitution.
- 11.2. Council. The Council shall be the highest authority of Gauteng Cycling and shall determine its policy, decide upon its budget and give directives to EXCO. The Gauteng Cycling Association Council consists of:
- 11.2.1. President.
 - 11.2.2. 1st Vice-President where possible a person with any skills portfolio, who shall be of opposite gender as defined by the UCI, than the President.
 - 11.2.3. 2nd Vice-President where possible a person with any skills portfolio, who shall be of opposite race (white vs a person defined for a PDI, excluding gender or ability), than the President.
 - 11.2.4. Secretary (appointed, not elected).
 - 11.2.5. Treasurer.
 - 11.2.6. Ordinary Members (Eastern Gauteng Cycling, Central Gauteng Cycling, Gauteng North Cycling, Southern Gauteng Cycling, West Rand Cycling).
 - 11.2.7. BMX Commissioner.
 - 11.2.8. MTB Commissioner.
 - 11.2.9. Para-Cycling Commissioner.
 - 11.2.10. Road Commissioner.
 - 11.2.11. Track Commissioner.
 - 11.2.12. Technical Commissioner – MTB.
 - 11.2.13. Technical Commissioner – Road and Track
 - 11.2.14. Technical Commissioner – BMX.
 - 11.2.15. Public Relations/Media Manager.
 - 11.2.16. Safety Manager.
 - 11.2.17. Coaching Commissioner.
 - 11.2.18. Diversity Commissioner.
 - 11.2.19. Rider Representative – MTB.
 - 11.2.20. Rider Representative – Road and Track.
 - 11.2.21. Rider Representative – BMX.
 - 11.2.22. Rider Representative – Para
 - 11.2.23. Youth Commissioner.
 - 11.2.24. Woman's Commissioner.
 - 11.2.25. Safeguarding Officer.
 - 11.2.26. SCSA Representative.
 - 11.2.27. Associated Member's Representatives.

11.2.28. Honorary Members.

11.3. The Council shall meet annually and such meeting shall be held at such venue as may be determined by EXCO, to coincide with the day which the AGM is held.

11.4. Executive Committee. The Representatives must be elected members of the Council. The EXCO will manage Gauteng Cycling and are the office bearers of the organisation. The Executive Committee (EXCO) consists of:

11.4.1. President.

11.4.2. 1st Vice-President.

11.4.3. 2nd Vice-President.

11.4.4. Secretary.

11.4.5. Treasurer.

11.4.6. Eastern Gauteng Cycling Chairperson.

11.4.7. Central Gauteng Cycling Chairperson.

11.4.8. Gauteng North Cycling Chairperson.

11.4.9. Southern Gauteng Cycling Chairperson.

11.4.10. West Rand Cycling Chairperson.

11.4.11. BMX Commissioner.

11.4.12. MTB Commissioner.

11.4.13. Para-Cycling Commissioner.

11.4.14. Road Commissioner.

11.4.15. Track Commissioner.

11.5. The chairperson of any meeting of the EXCO shall be the President, or in his or her absence the Vice-President or in his or her absence such other Member of EXCO as shall have been appointed at that meeting by the Members of EXCO present and entitled to vote.

11.6. A quorum for EXCO shall consist of fifty percent (50%) plus one (1) member of the positions filled.

11.7. EXCO shall convene no fewer than four (4) times per calendar year plus an AGM.

11.8. Each member of EXCO shall have one (1) vote, and the President of any meeting of EXCO shall have a second or casting vote, in the event of an equality of votes. Members of EXCO shall vote by ballot for positions (persons) and on all other resolutions by a show of hands. Members of EXCO shall decide on all matters by a simple majority vote.

11.9. The EXCO shall be vested generally with all such powers and authorities as are necessary to promote and attain the objectives of Gauteng Cycling.

11.10. EXCO shall exercise full control over all expenditures of Gauteng Cycling's funds. It shall not incur any liability or enter into any financial commitment unless such obligation can be met from the available funds of Gauteng Cycling. The EXCO shall draft a Code of Conduct, and be entitled to make any and all by-laws or regulations necessary to promote the aims and objectives of the Gauteng Cycling and such by-

laws and/or regulations shall be binding upon members. Such regulations shall be ratified at the next Council Meeting.

11.11. The EXCO shall appoint standing sub-committees as it considers fit and may delegate the exercise of any of its powers and functions to one of its Members or to a sub-committee of Gauteng Cycling.

11.11.1 Selection Committee. Each Discipline Commission shall appoint a Selection Committee comprising the appointed Discipline Commissioners. The Commissions will elect a convenor shall elect a convenor of this Committee. The Selection Committee shall convene to select riders who will represent Gauteng Cycling at the respective Inter-provincials. Additionally, the Committee shall be responsible for awarding Gauteng Provincial colours to riders, in accordance with the criteria outlined in Appendix B.

11.11.2 Calendar Committee. Each Discipline Commission is accountable for managing its respective calendar. To ensure alignment and oversight, EXCO may establish a Calendar Committee comprising representatives from the Discipline Commissions, the Secretary, and one Vice President. Events are entered into the calendar in accordance with the priority order outlined below: **TBA**

- 11.11.2.1. Step 1 : UCI Events (Deadline: Mid-July)
 - National Discipline Commissions allocate all UCI-sanctioned events.
 - Submissions must be made to the UCI for approval no later than mid-July.
- 11.11.2.2. Step 2: National Events
 - National Discipline Commissions coordinate and assign dates for all National-level events.
- 11.11.2.3. Step 3: Major Recurring Events
 - Align calendar with fixed annual events hosted by external organisers.
 - Scheduling must avoid conflicts with key National events, particularly Championships
- 11.11.2.4. Step 4: Provincial Events
 - Provincial Discipline Commissions schedule dates for Provincial-level events.
- 11.11.2.5. Step 5: School Events
 - Schools submit their event dates once the National and Provincial calendars are finalised.
- 11.11.2.6. Step 6: Final Coordination (Deadline end of October)
 - Discipline Commissions coordinate the complete calendar with Gauteng-based Event Organisers.
 - Final version must be concluded by October 31

CLAUSE 12: DUTIES OF OFFICE BEARERS

12.1. President

12.1.1 The President will represent Gauteng Cycling during meetings of the National body ie Cycling South Africa

12.1.2 The President will act as chairman for all AGM and EXCO meetings.

12.1.3 The President has the power to act on any issue he/she deems necessary and in the interest of the affiliated Gauteng Cycling districts/organisers and their members, subject to the rules and regulations of this constitution.

12.1.4 The President shall enforce the observance of the Constitution and sign all approved minutes.

12.1.5 The President shall also perform such other duties as by usage or custom pertaining to his/her office.

12.1.6 The President shall attend CSA Provincial Council meetings and any other meetings at which Gauteng Cycling is represented.

12.2. Vice-Presidents

12.2.1 The Vice-Presidents will assume all powers of the President in case the President is not present or available during meetings.

12.2.2 Together with the President the Vice-Presidents are responsible for the effective management of all cycling related business in the interest of the affiliated Gauteng Cycling districts/organisers and members.

12.2.3 The Vice-Presidents will chair the Selection Committees.

12.2.4 The Vice-President shall also perform such other duties as by usage or custom pertaining to his/her office.

12.3. Secretary

12.3.1 The Secretary shall conduct all correspondence, make and preserve correct minutes of all proceedings of Province and shall produce them when required to do so by Gauteng Cycling. Every record created, when approved by the Council, must be recorded in the minutes. He/she shall in co-operation with the President, draw up the Annual Report for submission at the AGM.

12.3.2 The Secretary shall be responsible for the processing of all applications for membership of districts or organisers.

12.3.3 The Secretary shall co-ordinate arrangements for all EXCO, General and Special meetings, functions and other events. The Secretary shall also be responsible for communicating these arrangements to all members of Gauteng Cycling.

12.3.4 The Secretary shall keep the final amended Constitution and hold record of all amendments.

12.3.5 The Secretary shall also perform such other duties as by usage or custom pertaining to his/her office.

12.3.6 The In the absence of an elected Treasurer, or as determined by EXCO, the Secretary may assume selected financial responsibilities. These may include, but are not limited to: oversight of bookkeeping, approval of calendar-related items, and administration of invoicing for events, memberships, and other financial activities.

12.4. Treasurer

12.4.1 The Treasurer may co-authorise payments by Gauteng Cycling Council or EXCO. Payment will only take place if a payment requisition has been completed.

12.4.2 The Treasurer shall invoice districts/organisers for all moneys payable to Gauteng Cycling. In the absence of an elected Treasurer, or as resolved by EXCO, the Secretary may perform this function.

12.4.3 The Treasurer shall issue a receipt for all monies received. In the absence of an elected Treasurer, or as resolved by EXCO, the Secretary may perform this function.

12.4.4 The Treasurer shall not handle any cash of Gauteng Cycling.

12.4.5 The Treasurer shall keep a complete and readily comprehensible record of the financial transactions of Gauteng Cycling. These transactions shall be available for inspection as and when requested by EXCO together with the bills and supporting documents.

12.4.6 The Treasurer shall submit the financial statement, duly audited by the Financial Official, at every AGM.

12.4.7 The Treasurer will control the inventory of Gauteng Cycling.

12.4.8 The Treasurer shall also perform such other duties as by usage or custom pertaining to his/her office.

12.4.9 The Treasurer shall be responsible for the day-to-day Bookkeeping of Gauteng Cycling. In the absence of an elected Treasurer, or as resolved by EXCO, the Secretary may perform this function.

12.4.10 The Treasurer shall be responsible for integrating the quarterly financials of Commissions operating a separate bank account

12.5. Commissioners (BMX, MTB, Para, Road and Track)

12.5.1 The Commissioners will act in the interest of the disciplines for which they have been elected as well as in the broader interest of all aspects of cycling in the Province.

12.5.2 The Commissioners will be responsible for conducting commission meetings and reporting the actions, activities or recommendations of the commissions to Gauteng Cycling for ratification or further action.

12.5.3 The Commissioners will co-ordinate the yearly calendar with the districts, organisers and affiliated members. They will support the districts/organisers with the administration of the calendar process, and control the events to ensure effective feedback on participation and fees payable.

12.5.4 The Commissioners shall be responsible for the organisation of Gauteng Cycling Championship events in their respective disciplines, for the completion and circulation of race notices and the keeping of a register of all recognised records created by their discipline within Gauteng Cycling.

12.5.5 In the event that a discipline is not currently represented in the Province, a person will be elected to monitor the discipline and to further the interests of the specific discipline.

12.5.6 The Cycling Discipline Commissioners shall also perform such other duties as by usage or custom pertaining to his/her office.

12.5.7 The Discipline Commissioner shall serve as the official representative of the Province on the designated National Commission.

12.6. Technical Commissioner – Discipline specific

12.6.1 The Technical Commissioner will manage the cycling officials in the Province.

12.6.2 The Technical Commissioner will arrange training opportunities for cycling officials in all disciplines.

12.6.3 The Technical Commissioner is responsible for the appointment of Commissaires in terms of the Rules and Regulations of Cycling South Africa for all disciplines and competitions in the Province.

12.5.4 The Technical Commissioner shall also perform such other duties as by usage or custom pertaining to his/her office.

12.5.5 The Technical Commissioner shall serve as the official representative of the Province on the designated National Commission.

12.7. Public Relations Manager

12.7.1 The Public Relations Manager shall be responsible for the effective communication within the Province with all members, and with the National Bodies.

12.7.2 The Public Relations Manager shall arrange annual an Award Ceremony to honour athletes.

12.7.3 The Public Relations Manager shall administrate all social media.

12.7.4 The Public Relations/Media Manager shall also perform such other duties as by usage or custom pertaining to his/her office.

12.7.5 If a Public Relations Manager is not appointed, the above responsibilities fall within the duties of the Commissioners.

12.8. Safety Manager

12.8.1 The Safety Manager shall manage safety according to the Safety at Sports and Recreational Events act (Act 2 of 2010) and Occupational regulations in the Province.

12.8.2 The Safety Manager shall arrange safety training sessions for Safety Officers in the Province. The Safety Officer is responsible for ensuring that the safety plan is adhered to, for monitoring and maintaining a safe environment for the duration of the event. Areas of concern and responsibility include operational safety, occupational health and safety compliance and hygiene management.

12.8.3 The Safety Manager shall also perform such other duties as by usage or custom pertaining to his/her office.

12.9. Coaching Commissioner

12.9.1 The Coaching Commissioner will manage the cycling coaches in the Province.

12.9.2 The Coaching Commissioner will arrange training opportunities for cycling Coaches in all disciplines.

12.9.3 The Coaching Commissioner is responsible to coordinate the coaching of all cycling disciplines in the Province.

12.9.4 The Coaching Commissioner shall also perform such other duties as by usage or custom pertaining to his/her office.

12.9.5 The Coaching Commissioner shall serve as the official representative of the Province on the designated National Commission.

12.10. Diversity Commissioner

12.10.1. The Diversity Commissioner shall ensure the Province transform and develop according to the national guidelines.

12.10.2. The Diversity Commissioner shall oversee youth, women, and transformation development.

12.10.3. The Diversity Commissioner shall also perform such other duties as by usage or custom pertaining to his/her office.

12.10.4. The Diversity Commissioner shall serve as the official representative of the Province on the designated National Commission.

12.11. Rider Representative per discipline

12.11.1 The Rider Representative will use his/her best efforts to ensure that the registered cyclists in the Province are satisfied.

12.11.2 The Rider Representative will act as a mouth piece for all cyclists in the Province.

12.11.3 The Rider Representative shall also perform such other duties as by usage or custom pertaining to his/her office.

12.11.4 The Rider Representative shall serve as the official representative of the Province on the designated National Commission.

12.12. Youth Manager

12.12.1 The Youth Manager shall ensure Gauteng Cycling youth are taken care off.

12.12.2 The Youth Manager shall liaise with Schools Cycling SA.

12.12.3 The Youth Manager shall also perform such other duties as by usage or custom pertaining to his/her office.

12.13. Woman's Commissioner.

12.13.1. The Woman's Commissioner shall ensure women and girls are taken care off; and perform such other duties as by usage or custom pertaining to his/her office.

12.13.2. The Women's Commissioner shall serve as the official representative of the Province on the designated National Commission

12.14. Safeguarding Officer

- 12.14.1 The Safeguarding Officer shall ensure children or vulnerable adults are taken care off and not expose to harassment, abuse, or exploitation.
- 12.14.2 The Safeguarding Officer shall ensure that athletes and others can take part in cycling without fear of harassment or abuse.
- 12.14.3 The Safeguarding Officer shall perform such other duties as by usage or custom pertaining to his/her office.
- 12.15. Ordinary Members. (ie districts of East Rand Cycling, Central Gauteng Cycling, Gauteng North Cycling, Southern Gauteng Cycling and West Rand Cycling). The Ordinary Members shall ensure that cycling is managed effective in their districts, be a mouth piece for their district and ensure effective administration and finance of their district's events.
- 12.16. Associated Members. The Associated Members shall ensure that events are managed effective in their area, be a mouth piece for their organisation and ensure effective administration and finance of their events.
- 12.17. Honorary Members. Honorary Members shall enjoy the rights and privileges namely to attend the AGM, to receive advance notice and to make preferential bookings in respect of any event or championship held under the auspices of Gauteng Cycling.

CHAPTER 6: VOTING

CLAUSE 13: VOTING RIGHTS

- 13.1. The voting rights set out in this clause shall apply in respect of any and all meetings of the Council. Only persons with at least a Cycling SA membership will be allowed to vote.
- 13.2. Each member of EXCO shall have one (1) vote and the Chairperson of any general meeting shall have one (1) vote, in that capacity, and a second or casting vote in the event of an equality of votes.
- 13.3. Ordinary Members at the General Meeting of Gauteng Cycling have one (1) vote and additional votes proportional to the number of CSA members they represent in their districts, namely:
- 13.3.1 If a District has less than 50 members, they have no additional vote.
- 13.3.2 If a District represents more than 50 members, but less than 250 members, they have one (1) additional vote.
- 13.3.3 If a District represents more than 250 members, but less than 500 members, they have two (2) additional votes.
- 13.3.4 If a District represents more than 500 members, but less than 1500 members, they have three (3) additional votes.
- 13.3.5 If a District represents more than 1500 members, they have the maximum of four (4) additional votes.
- 13.4. Ordinary Members shall be entitled to nominate representatives according to their voting powers to attend and to vote at any general meeting. Only Ordinary Members whose representatives are personally present/have a proxy vote at the meeting concerned, shall have the right to vote. Such nomination shall be in writing addressed to the Secretary and must be received by the Secretary not less than 24 (twenty-four) hours prior to the time for the commencement of that meeting.
- 13.5. Associated Members shall each have one (1) vote.
- 13.6. Honorary members may only vote in connection with any motion to terminate the Membership of any Honorary member.
- 13.7. Table Summary of Voting Matrix:

Clause	Voting Entity	Voting Rights
13.1	All Voters	Must hold valid Cycling SA membership to vote
13.2	EXCO Members	1 vote each
13.2	Chairperson (General Meeting)	1 vote + 1 casting vote in case of tie

13.3	Ordinary Members	1 base vote + additional votes based on CSA membership in district:
13.3.1	<i>District with < 50 members</i>	<i>No additional vote</i>
13.3.2	<i>District with 51–249 members</i>	<i>+1 additional vote</i>
13.3.3	<i>District with 250–499 members</i>	<i>+2 additional votes</i>
13.3.4	<i>District with 500–1499 members</i>	<i>+3 additional votes</i>
13.3.5	<i>District with ≥ 1500 members</i>	<i>+4 additional votes (maximum)</i>
13.4	Ordinary Members	May nominate representatives proportional to voting power; must be present or have proxy; nomination in writing 24 hours prior
13.5	Associated Members	1 vote each
13.6	Honorary Members	May vote only on motions to terminate Honorary Membership

CLAUSE 14: ELECTION OF THE PRESIDENT, VICE-PRESIDENT, TREASURER AND OTHER MEMBERS OF THE EXECUTIVE COMMITTEE

14.1. Each member of EXCO as well as any member, ordinary or associated, shall be entitled to nominate one (1) person for election as :

- 14.1.1. President
- 14.1.2. 1st Vice-President
- 14.1.3. 2nd Vice-President
- 14.1.4. Treasurer.
- 14.1.5. Technical Commissioner – MTB.
- 14.1.6. Technical Commissioner – Road and Track
- 14.1.7. Technical Commissioner – BMX.
- 14.1.8. Public Relations/Media Manager.
- 14.1.9. Safety Manager.
- 14.1.10. Coaching Commissioner.
- 14.1.11. Diversity Commissioner.
- 14.1.12. Rider Representative – MTB.
- 14.1.13. Rider Representative – Road and Track.
- 14.1.14. Rider Representative – BMX.
- 14.1.15. Rider Representative – Para
- 14.1.16. Youth/Schools Commissioner.
- 14.1.17. Woman's Commissioner.
- 14.1.18. Safeguarding Officer.

- 14.2. Discipline Commissioner and Technical Commissioner shall be elected by their respective commission. Elections must be conducted in accordance with a two-year term cycle and concluded prior to Gauteng Cycling's Annual General Meeting (AGM). The elected Discipline Commissioner shall serve as a member of EXCO.
- 14.3. Each nomination shall be in writing and shall be signed by the nominee to indicate his or her acceptance of the nomination. All such written nominations shall be received by the Gauteng Cycling Office not less than ten (10) working days prior to the date of the next AGM.
- 14.4. It shall be permissible for the same person to be nominated for more than one office/position. The nomination for any alternative post is conditional upon him or her not being elected to the first post for which he or she is nominated.
- 14.5. Where multiple nominations are received for any of the positions of President, Vice-President, or Treasurer, each position shall be subject to a separate ballot. Elections shall be conducted in the following order: President, followed by Vice-President, and then Treasurer
- 14.6. The retiring President, the retiring Vice-President and the retiring Treasurer shall be eligible for re-election after being nominated again by the members, provided the Secretary shall have received written notification from such persons of their willingness to continue in office, if re-elected.
- 14.7. Each person who votes shall record a vote for not more and not less than the number of vacancies.
- 14.8. During the election of the Council, due consideration shall be given to the Transformation and Gender Policy, subject to the availability and consent of nominated individuals. The composition of the EXCO should ideally reflect gender diversity, with a minimum of two (2) men and two (2) women.
- 14.9. Period of Office. All members of EXCO shall hold office for two (2) years until the AGM.
- 14.10. Upon being appointed as the President, he/she shall:
- 4.12.1. immediately resign as a delegate chairing any other structure of Gauteng Cycling;
 - 4.12.2. immediately resign from any structure of any District, so as to ensure independence and representation of all members of the Gauteng Cycling;
 - 4.12.3. not be appointed to any position in the structures of the Gauteng Cycling.
- 4.13. If an EXCO member retires or resigns during their term of office, a replacement shall be elected at the next EXCO meeting to serve for the remainder of the term. Pending such election, the EXCO may appoint an interim representative to fill the vacancy.

CHAPTER 7: GENERAL MEETINGS

CLAUSE 15: ANNUAL GENERAL MEETING (AGM)

- 15.1. An AGM shall be held once in every year provided that not more than fifteen (15) months shall elapse between one AGM and the next.
- 15.2. EXCO shall decide the date, time and place on which each AGM shall be held, provided that unless there is good reason to the contrary, it shall be held at a venue to be determined by the EXCO or at such other place as EXCO may determine and that the AGM is held in within three (3) months from the end of the financial year.
- 15.3. The following persons shall be entitled to attend and speak at the AGM:
 - 15.3.1 All members of EXCO.
 - 15.3.2 Representatives proportional to the number of riders in the district will represent Ordinary Members; and one (1) representative of each of the Associate Members.
 - 15.3.3 All Honorary members.
 - 15.3.4 Any other person who may be invited by EXCO to do so.
- 15.4. The business to be transacted at an AGM shall be:
 - 15.4.1. Receive delegates' credentials in writing and determine the voting strength.
 - 15.4.2. To read the notice convening the Meeting.
 - 15.4.3. To read and confirm the Minutes of the previous AGM and to consider any matters arising there from.
 - 15.4.4. To receive and consider the Annual Report of the President, for the period since the date of the previous AGM.
 - 15.4.5. To adopt with or without modification, the audited Annual Financial Statements for the previous financial year, provided that if not so adopted the Annual Financial Statements shall stand for consideration and adoption, with or without modification, by the EXCO as per the decision of the AGM.
 - 15.4.6. To appoint the Financial Officials of Gauteng Cycling to hold office until the next AGM.
 - 15.4.7. To consider and to adopt with or without modification, or to reject any recommendations of EXCO.
 - 15.4.8. To consider all nominations by EXCO of persons to be Honorary members and to accept or to reject any such recommendation or nomination.
 - 15.4.9. To elect the EXCO.
 - 15.4.10. To discuss and consider any matter of which seven (7) days written notice has been given.

CLAUSE 16: SPECIAL GENERAL MEETINGS (SGM)

16.1. A SGM of Members shall be convened:

16.1.1 By resolution of EXCO, or

16.1.2 Upon the written requisition of not less than two (2) Ordinary Members, addressed to the EXCO, provided that such written requisition shall state the exclusive purpose for which the SGM is to be called and the text of the motion to be put to the meeting.

16.2. The Secretary shall send written notification, within fourteen (14) days after receipt of the resolution or requisition, to all Ordinary Members and Associate Members, which notice shall specify the time, date and place of the SGM together with written notification of the purpose of and measures to be transacted at the SGM and the text of motions to be put to and considered by the meeting.

16.3. The date shall not be less than seven (7) days and not more than twenty-one (21) days after the date of posting dissemination of the notification.

16.4. The business to be transacted at a SGM shall be:

16.4.1 Receive delegates' credentials in writing and determine the voting strength.

16.4.2 To read the notice convening the Meeting.

16.4.3 No business other than that stated in the notification referred to shall be transacted at the SGM.

16.5. Only the persons entitled to attend an AGM shall be entitled to attend and speak at the SGM's. time frame for nominations must be done at least 48 hours prior to an AGM.

ARTICLE 17: GENERAL PROVISIONS RELATED TO AGM & SGM'S

17.1. AGM's and SGM's shall, subject to the terms of this constitution, be held at such time and place as shall be decided by EXCO.

17.2. Notice of each AGM and SGM's shall be sent to all the Members, Members of EXCO, and Honorary members not less than twenty-one (21) days prior to the date of the meeting as specified in 17.3 below.

17.3. Copies of the Agenda for any AGM or SGM's shall be disseminated to all the Ordinary Members, Associate Members and Honorary members by post, and/or by hand, and /or by fax, and/or by electronic means not less than fourteen (14) days prior to the date of any meeting.

17.4. The chairperson of any AGM or SGM shall be the President or in his or her absence the Vice-President or in his or her absence such other person as shall be elected for that purpose by the representatives of Members present at the Meeting and entitled to vote.

17.5. A quorum shall consist of fifty percent (50%) plus one (1) of EXCO and Ordinary Members in good standing whichever is the greater.

- 17.6. If a quorum shall not be present at the place of that meeting within thirty 10(minutes after the time set for commencement of that meeting, or shall not remain present during the whole of that meeting until proceedings have been duly declared to have been concluded so by the President, the meeting if convened upon the requisition of Ordinary Members, shall be dissolved; in any other case it shall stand adjourned to a date not earlier than seven (7) days and not later than fourteen (14) working days after the date of that meeting, and at such adjourned meeting the representatives of Ordinary Members present and entitled to vote shall constitute a quorum and may transact the business of that meeting.
- 17.7. Where a meeting has been adjourned as aforesaid, the Secretary shall, upon a date not later than three (3) days after the adjournment disseminate a written notice to each Ordinary Member stating:
- 17.7.1 The date, time place to which the meeting is adjourned;
 - 17.7.2 The matter before the meeting, when it was adjourned;
 - 17.7.3 The ground for the adjournment; which notice shall have been settled by the President.
- 17.8. Voting shall be on a show of hands unless a poll be demanded by representative of not less than forty percent (40%) of Members represented and entitled to vote, and in such event, the poll shall be conducted in such manner as the Chairperson of the meeting shall decide.
- 17.9. Minutes. The Secretary shall take minutes of all meetings.
- 17.9.1 The proceeding of meetings shall be preserved in the form of typewritten minutes authenticated after confirmation by the next meeting and by signature of the Chairman.
 - 17.9.2 The minutes of each meeting shall contain a résumé of the subject of the matters dealt with and such motions and amendments have been proposed and adopted or rejected.
 - 17.9.3 Minutes signed by the Chairman of any meeting to which such minutes related, or by the Chairman of any succeeding meeting of the same body, shall be sufficient evidence of the fact herein stated.
 - 17.9.4 The Secretary shall send to each affiliated member, and members of the EXCO a copy of the minutes of all the meetings as soon as practicable after such meeting.

CHAPTER 8: LEGALITIES AND DISCIPLINARY ASPECTS

CLAUSE 18: LIMITATION OF LIABILITIES OF MEMBERS AND INDEMNITY

- 18.1. The liability of any Member, of any classification, is limited exclusively to the sum of any monies then due and payable by such Member to Gauteng Cycling, by way of subscription or otherwise howsoever.
- 18.2. The President, the Vice-President, the Treasurer, all members of EXCO, all officials, servants, agents and persons (natural, corporate or otherwise) acting on behalf of Gauteng Cycling, in terms of this Constitution and under delegated powers from Ordinary Members in General Meeting or from EXCO, shall be and they are hereby indemnified and held harmless against any claim or demand by any third party as a result of any act or omission in the performance of their duties for and on behalf of Gauteng Cycling, from whatever cause arising, provided such person/s acted in good faith.
- 18.3. Gauteng Cycling shall not be liable to compensate any person, whether competitor, official, organiser, volunteer, vendor, service provider, sponsor, media representative, spectator, bystander, or any other individual attending, supporting, or participating in activities, for any injury, loss of life, or financial loss arising from such injury, nor for any damage to equipment, property, or belongings, sustained whilst training for, competing in, officiating at, organising, volunteering at, supporting, or attending any cycling event, activity, or meeting held under its jurisdiction, or when representing Gauteng Cycling at any event or cycle meeting under the jurisdiction of any other body.

CLAUSE 19: ENFORCEMENT, ALTERATIONS OR VARIATIONS TO THE CONSTITUTION

- 19.1. Every affiliated member, association or body, their members and competitors shall at all times be subject to this Constitution and rules of Gauteng Cycling.
- 19.2. The Constitution may only be added to, varied, altered, amended or modified at an AGM or SGM of Gauteng Cycling, if the alterations are accepted by two thirds of the eligible votes present at such a meeting, provided a written notification of such Meeting, together with a copy of a proposed resolution was disseminate not less than thirty (30) days prior to the meeting.

CLAUSE 20: NOTIFICATION

- 20.1. For the purposes of this Constitution, all notifications by Gauteng Cycling to any person or any Ordinary Member, Associated Member, Honorary member shall, unless delivered by hand, be effective from the date of dissemination by post, and/or by fax, and/or by electronic means to the last known postal address of such Member/s; but all notifications to Gauteng Cycling by any person (natural, corporate or otherwise) or any such Member shall only be effective from the date of receipt thereof by the Secretary. In no respects shall any postal authority be, or be deemed to be, the agent of Gauteng Cycling.

CLAUSE 21: ARBITRATION

- 21.1. Should any dispute arise which involves Gauteng Cycling, its officials, any districts affiliated with the Gauteng Cycling, and any officials, players or members who are subjected to the rules of this Constitution, pertaining to any matter arising from the interpretation or implementation of the Constitution, or arising from the sports governed by this Constitution, then such dispute shall be referred to the Arbitration Forum of the Gauteng Provincial Government and/or CSA, to be dealt with in accordance with the Rules of that Forum. The provision of Arbitration Act of 1965 shall apply to such arbitration proceedings, save to an extent modified by the Arbitration Forum rules.

CLAUSE 22: DISSOLUTION OR WINDING UP OF THE PROVINCE

- 22.1. Gauteng Cycling may be dissolved or wound-up, at any time, by Ordinary Members in General Meeting, upon a majority vote of not less than seventy five percent (75%) of the total votes of Ordinary Members and Associate Members, whose representatives are present and entitled to vote, and of Honorary members who are present in person at such general meeting, provided that not less than sixty (60) days written notification of such meeting and of any resolution aimed at dissolving or winding-up Gauteng Cycling shall have been given to all Members.
- 22.2. Upon dissolution or winding up of Gauteng Cycling, all the property and assets of Gauteng Cycling, after payment of all monies owing to any third parties, shall be transferred free of compensation to any other Association/s or Organisation/s having objects similar to Gauteng Cycling at the discretion of Ordinary Members.

CLAUSE 23: DISCIPLINARY CODE AND –PROCEDURES AND THE APPEAL BOARD AND -PROCESS

23.1. Disciplinary Code and Disciplinary Procedures

- 23.1.1. The Disciplinary Code apply to all Cycling SA members residing in the Gauteng Cycling area of jurisdiction. The Code applies to cyclists and supporting personnel competing or attending individually or as part of a team any event or activity.

- 23.1.2. The Cycling SA Code of Conduct, Code of Ethics, Safeguarding Policy and Rules and Regulations forms part of the disciplinary policy.

23.2. Disciplinary Code. The Disciplinary Code shall include aspects such as:

- 23.2.1. Members shall conduct themselves in a sporting manner.
- 23.2.2. Members shall behave in a responsible, respectful and courteous manner.
- 23.2.3. Members shall not harass, abuse, or exploit children or vulnerable adults or expose them to fear and vulnerable situations.

23.3. Disciplinary Procedure. The Disciplinary Procedure is as follows:

23.3.1. All matters of a disciplinary nature or if a member has a concern or complaint relating to any official, administrator or fellow cyclist, the complainant or representative shall contact the Club Chairperson/District Chairperson/Cycling Discipline Commissioner/Safeguarding Official for assistance within thirty (30) days after the issue arose. The complainant/whistle-blower shall complete a written explanation of the issue with the Chairperson or a person assigned for such matters, who shall endeavour to resolve the issue to the satisfaction of the complainant/whistle-blower within thirty (30) days.

23.3.2. The Chairperson or the person assigned will report the matter to the Appeal Board who must appoint an ad hoc disciplinary committee of at least three (3) disinterested/bias/impartial individuals of, who shall endeavour to resolve the issue within thirty (30) days. The appointed disciplinary committee shall obtain Cycling SA membership details of the persons involved, allow the complainant/whistle-blower to supply any additional material he/she considers relevant within ten (10) days and shall forward the submissions to the defending/implicated parties and allow them ten (10) days to respond. The complainant/whistle-blower shall then be allowed a further ten (10) days to respond to the information received from the defending/implicated parties.

23.3.3. In the event that the Chairperson or designated disciplinary committee fails to assist the complainant/whistle-blower within thirty (30) days of receiving notice, the complainant/whistle-blower may contact the next level of cycling and/or the General Secretary of Cycling SA.

23.3.4. The time periods may be abridged by the disciplinary committee.

23.3.5. When disciplinary action is being considered, a bias/impartial disciplinary panel with a presiding officer and initiator for the hearing shall be appointed and the defendant/implicated shall receive notification of the following:

23.3.5.1. The specific circumstances leading to the consideration of the disciplinary action;

23.3.5.2. Steps that can be taken to remedy the situation and a reasonable period of time during which those steps may be taken, if applicable (for example, verbal or written apology, payment of costs);

23.3.5.3. Information on the charge/which provisions were potentially breached (charge sheet drafted by the initiator) and disciplinary hearing.

23.10.1 If the disciplinary panel cannot remedy the situation, a fair hearing will proceed.

23.4. Notification shall be given in writing unless exceptional circumstances dictate that notification may be given verbally.

23.5. The charge sheet (violation/misconduct) will be read by the initiator at this hearing.

23.6. The presiding officer will ask the implicated member how he/she pleads to the charge(s).

- 23.7. The initiator may deliver an opening statement.
- 23.8. The defendant/implicated shall be provided an opportunity to present his/her opening statement at the hearing, whether orally or in writing.
- 23.9. The initiator can call witnesses, and hands evidence in to the presiding officer. The witnesses can be examined (questioned), cross-examined and re-examined by the initiator/panel before the initiator closes the case.
- 23.10. The defendant/implicated can call witnesses and hand evidence to the presiding officer. The witnesses can be examined (questioned), cross-examined and re-examined by the defendant/panel before the implicated member closes the case.
- 23.11. The initiator will then argue as to the evidence and facts proven which supports a guilty finding.
- 23.12. The implicated member can argue as to the evidence led and why the facts proven do not support a guilty finding.
- 23.13. The initiator may argue in reply.
- 23.14. The disciplinary panel will deliberate and come to a finding of guilty or not guilty.
- 23.15. If not guilty, then it is the end of the hearing.
- 23.16. If guilty, the parties can lead evidence (or argue) on aggravation (initiator) or mitigation (implicated member).
- 23.17. The disciplinary panel will deliberate and deliver findings and recommendations, which the EXCO has to ratify; and the defendant/implicated shall be advised of the ruling and disciplinary actions within five (5) working days of the hearing.
- 23.18. If circumstances dictate, a disciplinary committee may issue a written reprimand or suspend a violating member from the current competition without written or verbal notification. In these circumstances a full written report must be prepared and within five (5) working days. The appeal process remains available to the violating member.
- 23.19. The violating member has the right to appeal a disciplinary action in accordance with the Appeal Procedure. It is recognised however that an appeal may not be possible prior to a violating member's removal from an event.
- 23.20. The committee may receive written submission or hear oral submissions through an electronic conference or in person.
- 23.21. The ruling imposed shall reflect the seriousness of the offence and may determine any appropriate sanction.
- 23.22. Contravention of the Code may result in any one or more of the following sanctions:

23.22.2. Written reprimand;

23.22.3. Suspension from the competition;

23.22.4. Suspension from the team for a specified period of time;

23.22.5. Fine;

23.22.6. Probationary terms and conditions;

23.22.7. Suspension or expulsion from Cycling SA and/or the province or district or club.

23.23. Appeal Board. The EXCO shall appoint the members of the Appeal Board yearly, and delegate such powers to the Appeal Board to include, but not be limited by the following:

23.23.1. To assist Gauteng Cycling with legal advice.

23.23.2. Set up and continuously update a disciplinary code for members and their members.

23.23.3. Appoint at least three (3) disinterested/bias individuals for a disciplinary hearing who shall endeavour to resolve the issue.

23.23.4. Monitor the outcome of disciplinary hearings and the implementation of rulings.

23.23.5. Handle the appeal process after the disciplinary hearing, and adjudicate, mediate and arbitrate upon legal and disciplinary matters.

23.24. The Appeal Board shall comprise of at least three members, and if possible one (1) must have a legal background.

23.25. Members of the Appeal Board shall have one vote each at their meetings and appeals.

23.26. The Appeal Process. The principles underlying the appeals procedure are those of fairness and natural justice.

23.27. All appeals and dispute referrals must be made within five (5) working days of receiving the decision, provided that the Appeal Procedure at Race Events shall be in accordance with the Cycling SA and UCI race regulations.

23.28. An appeal will only be heard if there are sufficient grounds, relating to the decision/ruling (sanction including penalty) of the person or committee appealed against, based on the following:

23.28.1. Making a decision/ruling for which it did not have authority or jurisdiction;

23.28.2. Failing to follow procedures laid out in the Constitution or approved policies;

23.28.3. Making a decision/ruling that was influenced by bias;

- 23.28.4. Failing to consider relevant information or taking into account irrelevant information in making the decision;
 - 23.28.5. Exercising its discretion for an improper purpose; and/or;
 - 23.28.6. Making a decision/ruling which is unreasonable in the circumstances.
- 23.29. Any person affected by a decision/ruling of an authorised person or committee may appeal that decision/ruling by filing a written notice stating the grounds upon which the appeal is based within five (5) working days of receiving notification of the decision/ruling.
- 23.30. A written notice of appeal must be lodged with the Secretary of the Gauteng Cycling.
- 23.31. Most appeals will be dealt with by studying the written notice received and hearing documentation. An informal hearing is only to be conducted for more complicated cases which require detailed discussion about the merits of a proposal or where questions need to be asked to establish the facts.
- 23.32. The Appeal Board shall take a final decision on the appeal, and convert in writing to the affected person within ten (10) working days.

CHAPTER 9: APPROVAL**ARTICLE 24: APPROVAL OF THE CONSTITUTION**

This Constitution was duly adopted by the Members of Gauteng Cycling at a meeting held on:

Date: _____

Place: _____

Approved and signed on behalf of Gauteng Cycling by:

GAUTENG CYCLING PRESIDENT

Name: _____

Signature: _____

NON-RACIALISM

1. The principle of non-racialism is recognised and accepted. By this it is meant, broadly, that race should not be, and may not be, a basis of discriminating against or affording privilege to any person or group of persons. (Note: In this document all references to "race" must be taken to include a reference to ethnicity and nationality).
2. It follows from this that no club, province or other affiliated body may have any provision in its constitution which has the effect of barring membership on the grounds of race.
3. A provision in a constitution which though not worded in racial terms none the less is calculated to discriminate on grounds of race and which would have the effect of discriminating on grounds of race shall be regarded as an infringement of 2.
4. The principle of non-racialism also demands that all clubs, provinces and other affiliated bodies shall, when the situation legitimately requires it, make all their facilities available to persons other than their members on an equal basis irrespective of the race, ethnicity or nationality of such persons; eg. when hosting an event and such non-members are legitimately at the premises of the club or other body in connection therewith.
5. The fundamental rights of freedom of association and freedom of disassociation are recognised. It is also recognised that these rights are fundamental to the formation of and existence of the private club which is the basic building block of a national or provincial sports controlling body.
6. There is inherently a potential conflict between the rights referred to in 5, and the principle of non-racialism referred to in 1, and it is considered desirable to indicate how such potential conflicts are to be resolved.
7. The following are suggested guidelines as to how to reconcile these principles in practice:
 - a) A constitution which admits any person to membership except persons of any particular racial or ethnic group shall be regarded as infringing the principles of non-racialism and shall not be regarded as a valid exercise of the rights of freedom of association/disassociation.
 - b) A constitution may limit its membership to persons who fulfil certain criteria notwithstanding that the result thereof is that its members in fact consist only of one or more racial groups, provided that those criteria are not racist in their terms or in their intended effect e.g. a club which restricts its membership to persons who attend a certain school shall not be regarded as infringing the principle of non-racialism even though de facto its members may, as a result, come from a certain racial group only. Other examples of the application of this principle are clubs whose membership is limited to persons of a particular vocation or of a particular religious' movement.
8. Under no circumstances will an infringement of 4, above be tolerated or permitted on the grounds that it constitutes an exercise by the club or affiliated body concerned of its rights of freedom of association and/or disassociation.

9. The existence of the so called "ethnic" clubs are perceived to be problematical and require deeper analysis.
 - a) Various such clubs exist at the moment e.g. the Greek Club, the Italian Club, the German Club and so on. The existence of such clubs is a well-established and recognised phenomenon in the countries of the United Kingdom, Western Europe and the U.S.A. It is clear that such clubs are not the result of the policy of apartheid, but arise from the desire of peoples of different origins and cultures to group together to enjoy and foster their own cultural traditions.
 - b) What is said below is a discussion in general terms and is not a reference to any one or more of such ethnic clubs which in fact exist. Such clubs appear to have been formed with the bona fide purpose of catering for the cultural needs or aspirations or interests of the particular ethnic group which it serves. There does not appear to be any ulterior racial motive
 - c) If the constitution of such a club were to restrict its membership to persons of a particular ethnic group (or race or nationality), it would by necessary implication, be excluding persons from all other ethnic groups/races/nationalities from membership. Prima facie this would be an infringement of paragraph 2 above. The question which has to be decided is whether, in these circumstances, this constitutes a valid exercise of the rights of freedom of association and disassociation, notwithstanding that it amounts to an infringement of 2, above (also 7.1 above). It is considered that this would not be acceptable and that any club having a constitution along those lines would not be eligible for membership of the proposed new unified national body or any provincial body.
 - d) By contrast, however, a club which had as its main object the promotion, advancement, propagation etc. of the culture, traditions etc. of any particular race or nationality, but which did not seek to exclude or limit membership on those grounds would be regarded as legitimate and would be eligible for membership.
10. The principles and guidelines set out above with regard to non-racialism shall apply equally in respect of religion and discrimination on the grounds of a person's religious belief.

APPLICATION OF THE PROVISIONS OF SECTION 30(1) OF THE INCOME TAX ACT, 1962

The following provisions contained in section 30 (1) of the Act shall at all times apply and be adhered to while this constitution is in operation:

1. The sole object of the Association is to carry on a public benefit activity, with altruistic or philanthropic intent, which qualifies for purposes of Section 18 A of the Act as defined in Section 30 (1) of the Act, in a non-profit manner.
2. At least 85% of the Association's activities shall be carried out in the Republic of South Africa.
3. The Association shall be governed by at least 3 members who will accept fiduciary responsibilities and shall also not be connected persons to each other: and no single person directly or indirectly controls the decision making powers relating to the Association.
4. No funds will be distributed to any person (other than in the course of undertaking any public benefit activity).
5. The Association's funds will be used solely for the objects for which it was established or shall be invested with registered financial institutions as defined in Section 1 of the Financial Institutions (Investment of Funds) Act, 39 of 1984, or in securities listed on a stock exchange as defined in the Stock Exchanges Control Act, 1 of 1985 (as amended).
6. The Association will not carry on any business undertaking or trading activities other than to the extent that:
 - a) The gross income derived from such business undertaking or trading activity does not exceed the greater of R25 000 or 15% of the gross receipts of the constitution:
 - b) The undertaking or activity is:
 - i. integral and directly related to the sole object of the Association;
 - ii. carried out or conducted on a basis substantially the whole of which is directed towards the recovery of cost; and
 - iii. which would not result in unfair competition in relation to taxable entities.
7. The undertaking or activity, if not integral and directly related to the sole object of such Association, is of an occasional nature and undertaken substantially with assistance on a voluntary basis without compensation, or
8. The undertaking or activity is approved by the Minister by notice in the Gazette, having regard to:
 - a) the scope and benevolent nature of the undertaking or activity;

- b) the direct connection and inter-relationship of the undertaking or activity with the sole purpose of the Association;
 - c) the profitability of the undertaking or activity; and
 - d) the level of economic distortion that may be caused by the tax-exempt status of the Association carrying out the undertaking or activity. Any business undertaking or trading activities, or assets used in such undertaking or activity, acquired by the Association before 1 January 2001, will be retained or continued as the case may be, in the form so acquired for a period of five years.
9. Upon winding up, deregistration or dissolution, the assets of Gauteng Cycling remaining after satisfaction of all its liabilities shall be transferred to any public benefit other association or institution having similar objects approved by the Commissioner, any public benefit organisation approved in terms of Sec 30 of the Income Tax Act, an institution, board or body which is exempt from tax under Sec. 10(1)(cA)(i) of the Income Tax Act or any department of state or administration in the national, provincial or local sphere of government of the Republic of South Africa, contemplated in section 10(1)(a) or (b) of the Income Tax Act.
 10. No donation will be accepted which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in term of section 18A of the Income Tax Act, provided that a donor (other than a donor which is an approved public benefit organization or an institution board or body which is exempt from tax in terms of section 10(1)(cA)(i) of the Income Tax Act, which has as its sole or principal object the carrying on of any public benefit activity) may not impose any conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of such donation.
 11. A copy of all amendments to the Constitution, trust deed, will be submitted to the Commissioner for the South African Revenue Service;
 12. No remuneration will be paid to any employee, office bearer, member or person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered;
 13. The Association will submit the required Income Tax Returns annually together with the relevant supporting documents;
 14. The Association will, within such period as the Commissioner may determine, register in terms of section 13(5) of the Non-Profit Organisations Act, 71 of 1997, and comply with any other requirements imposed in terms of the Non-Profit Organisations Act, 71 of 1997;
 15. The Association has not and will not use its resources directly or indirectly to support, advance or oppose any political party.
 16. The Association shall not knowingly be a party to or permit itself to be used as part of any transaction, operation or scheme of which the sole or main purpose is or was the reduction, postponement or avoidance of liability for any tax, duty or levy which, but for such transactions, operations or scheme, would have been or would have become payable by any person under the Income Tax Act (58 of 1962), as amended or any other act administered by the Commissioner of the South African Revenue Service.

PROVINCIAL COLOURS CRITERIA

1. Gauteng Provincial Colours are awarded by the Gauteng Sports Confederation and facilitated by the Federation.
2. Gauteng Provincial Colours are awarded to riders who meet the Gauteng Cycling Selection Criteria for a period normally from 1 January to 31 December.
3. Gauteng Provincial Colours are awarded to management and officials who meet the Gauteng Cycling Selection Criteria.
4. The Discipline Selection Committees shall be responsible for verifying that a rider has met the prescribed criteria for nomination to represent Gauteng at the designated inter-provincial event. Upon confirmation, the rider shall be awarded Gauteng Provincial Colours by the Gauteng Sports Confederation.
5. Gauteng Cycling EXCO can award Merit Awards and/or Presidential awards. The form that these awards will take, will annually be decided on by the Selection Committee.
6. Provincial Colours. The Gauteng Sport Confederation emblem with the word CYCLING underneath shall be awarded as Provincial colours according to the set criteria. This is the highest colours awarded to cyclist, management and officials. Member's achievement shall be registered with the Provincial Sport Confederation. This emblem together with a certificate indicating the discipline and year, will form part of the award.
7. Merit Awards. A merit certificate will be awarded to cyclists, management, officials and individuals who performed well and who provided service of high quality to Gauteng Cycling. Merit awards will be either bronze, silver or gold.
8. Presidential/EXCO Awards. A Presidential award Certificate with the Gauteng Cycling logo shall be awarded to cyclist, management, officials and individuals for Service of Excellence.



DISTRICT COLOURS CRITERIA

1. District Colours are awarded by the respective Sports Council and facilitated by the Federation.
2. District Colours are awarded to riders who meet the Gauteng Cycling Selection Criteria for a period normally from 1 January to 31 December.
3. District Colours are awarded to management and officials who meet the Gauteng Cycling Selection Criteria.
4. The Discipline Selection Committees shall be responsible for verifying that a rider has met the prescribed criteria for nomination to represent Gauteng at the designated inter-provincial event. Upon confirmation, the rider shall be awarded District Colours by the Gauteng Sports Council.
5. Gauteng Cycling EXCO can award Merit Awards and/or Presidential awards. The form that these awards will take, will annually be decided on by the Selection Committee.

APPENDIX C

ORGANISATIONAL CHART OF GAUTENG CYCLING COUNCIL

BLUE – EXCO BLUE & GREEN - COUNCIL

